IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2658 OF 2006

Mote Sangram Shriram ... Petitioner

V/s.

The State of Maharashtra & Ors. ... Respondents

Mr. B. G. Kadu, for the petitioner.
Mr. S. S. Pednekar, for the State.

CORAM : SMT. RANJANA DESAI &
ANOOP V. MOHTA,JJ.
DATED : 5th February, 2007

P.C.

. Rule, returnable forthwith.

2. The petitioner is present. He is brought from Yerwada central prison. He is sentenced to suffer life imprisonment for the offence punishable under Section 302 of the Indian Penal Code on 16/04/2003 in Sessions case No. 4 of 2001 by the District and Sessions Judge, Pune. The petitioner made an application for furlough leave. The said application was rejected on the ground that he was tried for offences under the provisions of Maharashtra Control of Organised Crime Act. It is stated in the rejection application that the petitioner has a criminal background and therefore he cannot be granted furlough

leave.

3. We have heard the learned counsel for the petitioner. The learned counsel for the petitioner has drawn our attention to the order dated 19/08/2006 passed in the Criminal Writ Petition No. 1475 of 2006 where the furlough leave was granted to a convict against whom 7 cases were registered. Out of those 7 cases the petitioner therein was acquitted in 4 cases. In 3 other cases which were under section 302 of the Indian Penal Code, the petitioner therein was released on bail. The learned counsel contended that the present petitioner is acquitted in the case registered against him under the Maharashtra Control of Organised Crime Act. He submitted that in the light of the judgment in Criminal Writ Petition No. 1475 of 2006 the petitioner may be released on furlough.

4. We have also heard the learned APP. He pointed out that the petitioner has been convicted under section 307 of the Indian Penal Code. He submitted that considering the petitioner’s criminal background the petitioner should not be released on furlough.

5. In Criminal Writ Petition No. 1475 of 2006 this

court has expressed that the petitioner therein against whom seven cases were registered could be released on furlough after imposing strict conditions like marking attendance at the police station so that the activities of the petitioner could be kept in check while he was out on furlough. We feel that the said judgment is applicable to the facts of this case. We, therefore, quash and set aside the order dated 06/04/2006 passed by the DIG, Prison, Western Region, Yerwada, Pune.

6. We direct the Competent Authority to reconsider the application of the petitioner for being released on furlough in the light of the aforementioned order of this court. The Competent Authority may impose additional conditions for releasing the petitioner on furlough than the usual terms and conditions like marking attendance at the Police Station and so on.

7. Rule is made absolute accordingly.

[SMT.RANJANA DESAI, J.]

[ANOOP V. MOHTA, J.]